

REMARKS

Claims 1-6 are pending in the present application. In the Office Action, the Examiner rejected the claims as follows. Claims 4 and 5 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out the subject matter which the Applicant regards as the invention. Claims 1 and 4-5 were rejected under 35 U.S.C. §102(e) as being anticipated by International Publication No. WO 01/33782 A1 (“Nokia”). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nokia in view of U.S. Patent Publication No. 2002/0116465 (“Kim”). Claims 3 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of Nokia.

Claim 2 has been amended to correct a typographical error.

The Examiner also objected to the drawings and the specification. Namely, the Examiner objected to FIGs. 1 and 2 for not being designated by a label such as “Prior Art” and objected to the corresponding areas in the “Brief Description of the Drawings” section of the specification for not indicating that FIGs. 1 and 2 are allegedly prior art.

Regarding the Examiner’s objections, pursuant to a telephonic conversation with the Examiner on October 3, 2005 in which the objections to the specification and the drawings were discussed, the Examiner confirmed that FIG. 1 is in fact labeled “Prior Art.” Accordingly, it is respectfully requested that the Examiner’s objection to FIG. 1 be

withdrawn.

Regarding the Examiner's objection to the description of FIG. 1 in the Brief Description of the Drawings section of the Specification, the specification has been amended to overcome the Examiner's objection of the description of FIG. 1.

Regarding the Examiner's objection to FIG. 2 and the corresponding area in the Brief Description of the Drawings section of the Specification, the specification has been amended. Furthermore, it is respectfully submitted that FIG. 2 is directed to the present invention and as such does not need to be designated by a legend such as "Prior Art." Accordingly, in light of the above-stated argument and amendment to the specification, it is respectfully requested that the Examiner's objection to FIG. 2 and the corresponding description be withdrawn.

Regarding the Examiner's rejection of Claims 4 and 5 under 35 U.S.C. §112, second paragraph, Claims 4 and 5 have been amended to overcome the Examiner's rejection. Withdrawal of the rejection under U.S.C. §112, second paragraph, of Claims 4 and 5 is respectfully requested.

Regarding the Examiner's rejection of Claims 1 and 4-5 under 35 U.S.C. §102(e), Claims 1 and 4-5 have been amended to include subject matter which the Examiner states is not disclosed by Nokia (e.g., see Office Action, page 6, second column; page 9, first

column).

Nokia teaches a method for implementing a multimedia messaging service between a terminal and a server. More specifically, Nokia discloses that a wireless terminal (MS) makes a decision concerning retrieval of a multimedia message (or components thereof) and selects appropriate bearer(s) with the aid of specific data conveyed in a notification message.

In contrast, amended Claim 1 includes the recitation of receiving a message receipt notification message, transmitting a response to the message receipt notification message, and receiving summarized information on a plurality of data types included in the multimedia message from the mobile communication system and providing the received summarized data type information in response to the response to the message receipt notification message. Amended Claim 4 includes the recitation of producing and transmitting a message receipt notification message, receiving a response to the message receipt notification message, and producing and transmitting summarized information on a plurality of data types included in the multimedia message in response to the received response to the message receipt notification message. Amended Claim 5 includes the recitation of receiving a signal receipt notification message corresponding to a multimedia message, transmitting a receipt to the signal receipt notification message, receiving summarized information of the multimedia message, and requesting a desired type of data type based on the received summarized information. None of these

recitations are taught or suggested by Nokia. Accordingly, it is respectfully requested that the Examiner's rejection under 35 U.S.C. §102(e) of Claims 1, 4, and 5 be withdrawn.

Regarding the Examiner's rejection of independent Claims 2, 3, and 6 under 35 U.S.C. §103(a), it is respectfully requested that Kim is an invalid reference. Both Kim and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Kim was and is commonly owned with the present application and is assigned to Samsung Electronics Co., Ltd. Therefore, as 35 U.S.C. 103(c) states that "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person," it is respectfully requested that the Examiner's rejection under 35 U.S.C. §103(a) of Claims 2, 3, and 6 be withdrawn.

Claims 1-6 are believed to be in condition for allowance.

Accordingly, all of the claims pending in the Application, namely, independent Claims 1-6, are believed to be in condition for allowance. Should the Examiner believe

that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

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